

REMARKS

Applicant has carefully reviewed the Office Action dated December 10, 2003. Claims 1-15 were rejected, and claims 1-3, 5, 8-16 are pending. Claims 1-3, 5, 8, 9, 12 and 15 have been amended, claims 4, 6, and 7 have been cancelled, and claim 16 has been added. In addition, Figures 1-3, the abstract and the specification have been amended.

The Examiner objected to the drawings based on the fact that Figures 1-3 are drawings of prior art embodiments, but are not designated as such in the Figures. Amended drawings remedying this issue are attached to this response.

The abstract was objected to because of the presence of legal language such as the word "said." The abstract has been amended to resolve this issue and includes further amendments to correct informalities. No new matter has been presented.

The Examiner also objected to the specification based on the fact that a preferred embodiment mentioned on page 6, line 13-16 states that the radius of curvature of the first bent section is larger than the second bent section, whereas claim 3 recites the second bent section as having the larger radius of curvature. The sentence in question describes Figure 7. This Figure shows the first radius of curvature K_1 being smaller than the second radius of curvature K_2 . The language on page 6, line 13-16 has been amended in order to make this sentence and the drawings consistent with one another. Several other informalities have been corrected in the specification. No new matter has been presented. The word "a" was changed to "are" on original page 6, line 13, two occurrences of the word "plain" were changed to "plane" on page 6, lines 7 and 8, and "an" was changed to "a" on page 6, line 19.

The Examiner also mentioned several claim informalities. In claim 9, Applicant has deleted the "d" from the word "shaped". In claim 12, Applicant has changed the wording of the claim to more clearly state the claimed material.

The Examiner rejected claims 6-8 and 15 under U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 6 and 7 have been cancelled, and claim 8 is now dependent on claim 1. Applicant believes that claim 1, as amended, remedies any issue of indefiniteness concerning how the angles between the straight sections are measured. In addition, claim 15 has been amended in order to remedy an issue with antecedent basis.

The Examiner rejected claims 1-12 under 35 U.S.C. §102(b) as being anticipated by Weinstock et al., U.S. Patent No. 5,639,276 (hereinafter Weinstock). In Figure 6, Weinstock shows a flexible guidewire with one J-tipped bend in the wire. In Figures 6A and 6B, Weinstock shows a flexible guidewire with one J-tipped bend in the wire along with a second, proximal bend. In each of these figures, the J-tipped bend causes an acute angle to be formed between the straight section proximal the J-tipped bend and the straight section distal the J-tipped bend (for example, see Figure 6B). In fact, this angle appears to be close to zero degrees (a 180° total bend on the shaft) between the straight section that is proximal the J-tipped bend and the straight section that is distal the J-tipped bend.

In contrast, claim 1 recites a shaft with two bends in the shaft, wherein the angles are both obtuse. Because Weinstock (Figures 6A and 6B) discloses a shaft with one obtuse angle and one acute angle, it does not disclose a shaft with two bends, wherein both of the angles that are formed are obtuse. Because Weinstock does not disclose all of the elements of claim 1, claim 1 is not anticipated by Weinstock. In addition, dependent claims 2, 3, 5, 8-12 and 16 are also not anticipated as they contain additional patentably distinct elements.

Examiner rejected claims 1-10 and 13-15 under 35 U.S.C. §102(b) as being anticipated by Berg et al., U.S. Patent No. 5,680,873 (hereinafter Berg). In the embodiments shown in Figures 2B and 2C, Berg contains two bends in the shaft of the guiding device. The distal bend in the shaft in Figures 2B and 2C appears to be an obtuse angle. The proximal bends in Figures 2B and 2C, however, form an acute angle between the straight sections that are immediately distal and proximal of this proximal bend.

In contrast, claim 1 recites a shaft with two bends in the shaft, wherein the angles (α_1 and α_2) are both obtuse. Berg does not disclose a shaft with two bent sections, wherein both of the angles that are formed are obtuse. Because Berg does not disclose all of the elements of claim 1, claim 1 is not anticipated by this reference. In addition, dependent claims 2, 3, 5, 8-10, and 13-16 are also not anticipated as they contain additional patentably distinct elements.

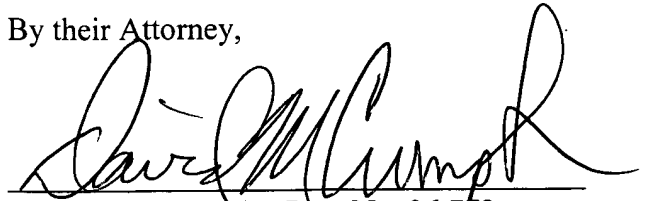
Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Michael Schwager

By their Attorney,

Date: 3/5/04



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